

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2084 of 2024

Arising Out of PS. Case No.-833 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Rahul Kumar S/o Rajesh Mahto R/o Mohalla-Bhawani Singh Road, Purani
Gudari, P.S.-Town, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Muzaffarpur Town P.S. Case No. 833 of 2023 lodged under
Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the petitioner and the recovery of 5.228 gram of
smack like substance rapped with paper in 10 *pudiyas* has
alleged to be made, which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that in the seizure list, there is contradiction in the recovery. He
submits that in the F.I.R., recovery has been made from the



pocket of the petitioner, namely, Rahul Kumar whereas in the seizure list, the said recovery has been shown at the public place.

5. Counsel also submits that the weight of the smack with his rapper i.e., one pudiya is 0.495 gram and weight of 10 pieces of rapper with paper is 5.228 gram.

6. Counsel submits that petitioner's antecedent is clean and he is in custody since 12.10.2023.

7. Counsel further submits that the small quantity of smack is 5 gm and commercial quantity is 250 gm. He submits that without pudiya, weight is definitely either maximum 5 gm or less.

8. Learned counsel for the State opposes the prayer for bail.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum- Special Judge, N.D.P.S. Act, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 833 of 2023, subject to the following conditions as laid



down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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